

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOE JEWISH USC FACULTY
MEMBER 2004 and DOE JEWISH
USC STUDENT 1987, Individually
And On Behalf of All Others
Similarly Situated,

Plaintiffs,

V.

Trustees of THE UNIVERSITY OF SOUTHERN CALIFORNIA, a private public benefit corporation; and DOES 1 through 100, inclusive.

Defendants.

Case No. 2:24-cv-05712 FLA (SSC)

THE PARTIES' SECOND JOINT STIPULATION TO CONTINUE THE SCHEDULING CONFERENCE

Current Date: November 1, 2024
Proposed Date: December 6, 2024

Plaintiffs “Doe Jewish USC Faculty Member 2004” and “Doe Jewish Student 1987” and Defendant University of Southern California (together, the “Parties”) stipulate to continue the November 1, 2024 Scheduling Conference (Doc. No. 16) to Friday, December 6, 2024.

Continuing the Scheduling Conference to December 6, 2024 is in the best interests of justice and judicial economy, as it will allow the Court to first address the

1 threshold issue of subject matter jurisdiction and resolve the pending dispositive
2 motions that will determine whether this case remains in federal court, whether
3 plaintiffs will be permitted to file another complaint, or whether the Court will
4 dismiss plaintiffs' claims with prejudice for failure to state a claim:

5 1. On July 15, 2024, Defendant filed its Motion to Dismiss Plaintiffs' First
6 Amended Complaint. Doc. No. 10.

7 2. On July 16, 2024, the Court set a Scheduling Conference for August 30,
8 2024. Doc. No. 12.

9 3. Plaintiffs informed Defendant that they intended to seek remand of this
10 action to state court. Accordingly, on July 19, 2024, the Parties filed a Joint
11 Stipulation to continue: (1) the hearing date for Defendant's Motion to Dismiss; and
12 (2) the Scheduling Conference, to allow the Court to first address the threshold issues
13 of subject matter jurisdiction and whether Plaintiffs have stated a claim. Doc. No.
14 14.

15 4. The Court granted the Parties' Joint Stipulation on July 25, 2024 and
16 continued the hearing on Defendant's Motion to Dismiss to Friday, September 20,
17 2024, and the Scheduling Conference to Friday, November 1, 2024. Doc. No. 16.

18 5. On August 8, 2024, Plaintiffs filed a Notice of Motion and Motion to
19 Remand, Doc. No. 25, which the Court took under submission on August 30, 2024,
20 Doc. No. 28.

21 6. On September 18, 2024, the Court continued the hearing on Defendant's
22 Motion to Dismiss in response to Plaintiffs' September 12, 2024 *Ex Parte*
23 Application. *See* Doc. Nos. 36, 37. On its own motion, the Court advanced the
24 hearing on the Motion to Dismiss to Friday, October 25, 2024. Doc. No. 38.

25 7. On September 27, 2024, Plaintiffs filed a Notice of Motion and Motion
26 for Leave to File a Second Amended Complaint Divesting This Court of Subject
27 Matter Jurisdiction. Doc. No. 49. Plaintiffs noticed a hearing date of Friday, October
28 25, 2024 – the same date as the hearing on Defendant's Motion to Dismiss. *Id.*

1 8. The Parties' current deadlines to meet and confer and to file a joint
2 report ahead of the November 1, 2024 Scheduling Conference are October 11 and
3 18, respectively.

4 9. Before the Parties can meaningfully meet and confer and file a joint
5 report, they would benefit from having a ruling on the threshold issues of jurisdiction,
6 the scope of the operative complaint, and whether Plaintiffs have stated a claim.
7 Accordingly, the Parties hereby stipulate and request that the Court continue the
8 Scheduling Conference from November 1, 2024 to December 6, 2024.

9 10. “[T]he Court has inherent authority to modify pre-trial procedural
10 deadlines to serve the best interests of justice.” *Gomez v. Trustees of Harvard Univ.*,
11 676 F. Supp. 13, 15 (D.D.C. 1987) (collecting cases). This Court’s Order Setting
12 Scheduling Conference requires “good cause” to continue a scheduling conference.
13 Doc. No. 12, at 6; *cf. Fed. R. Civ. P.* 16(b)(4). The touchstone of good cause is
14 “reasonable[ness]” in light of the circumstances. *See Blake v. Baker*, 745 F.3d 977,
15 982 (9th Cir. 2014).

16 11. In assessing whether good cause has been shown, courts generally
17 consider “the efficient adjudication of [the] case” and the diligence of the parties.
18 *Colibri Heart Valve LLC v. Medtronic Corevalve LLC*, No. SA-CV-2000847-DOC-
19 JDE, 2021 WL 5986915, at *2 (C.D. Cal. 2021); *Cecala v. Newman*, No. CV 04-
20 02612-PHX-NVW, 2007 WL 9724852, at *2 (D. Ariz. 2007) (noting a Court may
21 take “sensible measures” to promote “the efficient management of its docket”). Both
22 considerations support continuing the Scheduling Conference.

23 12. **First**, continuing the Scheduling Conference would promote the
24 efficient and orderly adjudication of the case. Establishing jurisdiction is a
25 “threshold” question best decided at the outset. *See Valdez v. Allstate Ins. Co.*, 372
26 F.3d 1115, 1117 (9th Cir. 2004). For example, plaintiffs’ motion for leave to file a
27 second amended complaint would change the class and its members, which would
28 impact several of the matters the Parties are required to discuss during the Rule 26(f)

1 conference, including the discovery plan. *See* Doc. No. 12, at 2-6; Fed. R. Civ. P.
2 26(f). Likewise, deciding whether plaintiffs' operative complaint contains any valid
3 cause of action prior to the Scheduling Conference will save both the Court and the
4 Parties significant time and expense. If the case proceeds, the parties will be better
5 able to substantively discuss and narrow the issues for their Rule 26(f) joint report
6 after the motion to dismiss is resolved.

7 13. ***Second***, the Parties have continued to litigate, filing several motions,
8 oppositions, and replies with the Court. There are three pending motions before the
9 Court: 1) Plaintiffs' Motion to Remand; 2) Defendant's Motion to Dismiss; and 3)
10 Plaintiffs' Motion for Leave to File a Second Amended Complaint Divesting This
11 Court of Subject Matter Jurisdiction. And the Parties share the goal of promoting
12 judicial economy and litigative efficiency, which support a second continuance of
13 the Scheduling Conference.

14 14. In light of the foregoing, the Parties stipulate that the Scheduling
15 Conference (*see* Doc. No. 16) be moved to Friday, December 6, 2024 at a time
16 convenient to the Court.

17
18 Dated: October 4, 2024

19 LAW OFFICES OF MICHAEL E.
20 REZNICK

JONES DAY

21 By: /s/ Bryan Christopher Castaneda
22 Bryan Christopher Castaneda

23 Attorney for Plaintiffs
24 DOE JEWISH USC FACULTY
MEMBER 2004 and DOE JEWISH
25 USC STUDENT 1987

By: /s/ Rasha Gerges Shields
Rasha Gerges Shields

26 Attorney for Defendant
27 UNIVERSITY OF SOUTHERN
28 CALIFORNIA

ATTESTATION

Pursuant to Civ. L.R. 5-4.3.4, the undersigned attests that all other signatories listed, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

Dated: October 4, 2024

Respectfully submitted,

JONES DAY

By: /s/ Rasha Gerges Shields
Rasha Gerges Shields

Attorney for Defendant
UNIVERSITY OF SOUTHERN
CALIFORNIA